HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

Division Bench

Coram : Hon'ble Shri S.R. Nayak, C.J.
Hon'ble Shri D.R. Deshmukh, J.

M.A. No. 225 OF 2006

APPLICANT NON-APPLICANT — Dhansay Gond, S/o Shri Gendram, aged about 40 years, R/o Village - Katkona P.S. & Teshil - Lakhanpur, Distt. Surguja C.G.

versus

RESPONDENTS CLAIMANTS

1. Puranti Bai Widow of Baigaram Gond, aged about 29 years, Occupation Housewife
2. Banshraj Singh S/o Late Baigaram, aged about 18 years, Occupation - Student
3. Ku. Hemlata Singh S/o Late Baigaram, Aged about 16 years, Occupation - Student
4. Ku. Anjali Singh S/o Late Baigarm, aged about 14 years, Occupation - Student

Respondent no. 3 and 4 being minor, through - natural guardian mother, (respondent no. 1 Puranti Bai)
All are resident of Village Mission Chauk Kedarpur, Ambikapur, P.S. & Tehsil - Ambikapur, Distt. Surguja C.G.

RESPONDENT NON-APPLICANTS

5. The Pratap Bus Service, Through - Bhuwan Bhaskar Singh, Old Bus Stand, Ambikapur, P.S. & Tehsil - Ambikapur, Distt-Surguja, C.G.
6. The Oriental Insurance Company Limited, Through - Branch Manager, the Oriental Insurance Company Limited, Ambedkar Chauk, Ambikapur, Distt. Surguja C.G.

Present : Mr. A.V. Sridhar, learned counsel for the appellant.

ORAL ORDER
(Passed on 22nd February, 2006)

The following order of the Court was passed by

S.R. Nayak, C.J.

In this appeal preferred by the owner of the motor vehicle involved in the accident, the contention of the learned counsel for the appellant is that the MACT is not justified in recording the finding that the appellant himself was driving the motor vehicle at the time of the accident and in fact, at the time of the accident, the vehicle was being driven by the deceased himself. This precise question raised by the appellant before the MACT has been considered by the MACT in para 16 of the award. The MACT on permissible substantive pieces of evidence has recorded the factual finding that the appellant was drunk and he himself was driving the vehicle. The factual finding so recorded by the MACT cannot be condemned for want of legal evidence or perversity. The above factual finding is based on the First Information Report - Ex.P/3, Merg intimation - Ex.P/4 and medical report Ex.P/8, apart from the finding recorded by the criminal law Court when the appellant was prosecuted in a prosecution launched against the appellant for rash and negligent driving of the motor vehicle. No ground is made out for interference. The appeal is, therefore, dismissed. No costs.

Sd/-
Dilip Raosaheb Deshmukh
Judge

Sd/-
Chief Justice

Subhy